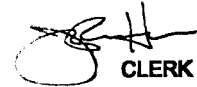


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## UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

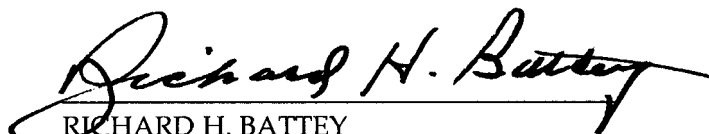
BYRON K. RED KETTLE,	)	CIV. 08-5075-RHB
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
HARRY G. LAPPIN, Director,	)	
Bureau of Prisons,	)	
	)	
Respondent.	)	

Petitioner has filed a motion for post-conviction relief which challenges the execution of his federal prison sentence. Docket #1. Petitioner has properly styled his petition as one made pursuant to 28 U.S.C. § 2241. A motion for relief under § 2241 must be made in the district with jurisdiction over either the prisoner himself or his keeper. See Smith v. United States, 618 F.2d 507, 510 (8<sup>th</sup> Cir. 1980). See also Baker v. Tippy, 230 F.3d 1362 (8<sup>th</sup> Cir. 2000); United States v. Chappel, 208 F.3d 1069 (8<sup>th</sup> Cir. 2000); United States v. Leath, 711 F.2d 119, 120 (8<sup>th</sup> Cir. 1983). Petitioner is currently housed in a federal prison in Louisiana, and defendant is located in Washington, D.C. As such, the Court does not have jurisdiction to rule on petitioner's § 2241 motion. Accordingly, it is hereby

ORDERED that petitioner's motion for relief pursuant to 28 U.S.C. § 2241 (Docket #1) is dismissed without prejudice for lack of jurisdiction.

Dated this 17<sup>th</sup> day of October, 2008.

BY THE COURT:

  
 RICHARD H. BATTEY  
 UNITED STATES DISTRICT JUDGE